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10/540,149	06/21/2005	Willem Lubbers	PF030020	3540

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 July 2009</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,3-5 and 7-9</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,3-5 and 7-9</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 07/01/2009 have been fully considered but they are

not persuasive. Applicant asserts that combination of references do not teach "sending

over the network, from the controlling device, a single command specifying a filtering

criterion but not specifying a recipient device, each recipient device not responding if the

respective device has no content corresponding to the criterion." Examiner respectfully

disagrees. Smith discloses (col.9, lines 1-8) that by clicking a single link "Object

Related Any", user searches across various content sources for relevant data relating to

search query. User does not select any specific content source for relevant data.

Kalogeraki discloses (¶0015 and ¶0049) that user's one click (single command) for a

search query is sent to all the devices, using peer-to-peer search network as

represented in Fig. 4. Wugofski discloses (col.6, lines 3-31) that the information

handling system searches for tuning sources that transmit TV signals watched on

television, where the system generates programming list by identifying devices

connected to a home network, searching for a device with tuning source and when the

system determines that the device is not a tuning source (nonresponsive), it continues

to look for the next device which is a tuning source as represented in Fig. 4 (element

416). Therefore, the combination of references Smith, Kalogeraki and Wugofski

renders obviousness and the rejection is maintained.

       In response to applicant's arguments against the references individually, one

cannot show nonobviousness by attacking references individually where the rejections

are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.

1986).

With regard to the dependent claims, the respective rejections are maintained as

Applicant has only argued that the dependent claims rendered non-obvious since the

independent claims are not found in the cited art, nevertheless it s the Examiner's

contention that cited references do not contain any deficiencies. See the rejection

below.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claims 1, 3-5 and 7-9 are** rejected under 35 U.S.C. 103(a) as being

unpatentable over US Patent 6,615,248 B1 to Smith (hereafter referenced as Smith) in

view of US Patent 6,931,593 B1 to Grooters (hereafter referenced as Grooters), US PG

Pub 2003/0204497 to Kalogeraki (hereafter referenced as Kalogeraki), and US Patent

7,444,661 to Wugofski (hereafter referenced as Wugofski).

Regarding **claim 1**, "method for creating a list of contents in a controlling

device connected to a domestic network to which are connected a number of

devices" reads on a method and a system that presents content selection options

from a plurality of content sources in home network environment (abstract) disclosed by Smith and as represented in Fig. 2.

As to "the method comprising: sending over the network, from the controlling device, a command specifying a filtering criterion but not specifying a recipient device" Smith discloses (col.2, lines 48-50, 57-61) that the user searches for data from various contents sources through user device. Smith further discloses (col.9, lines 1-8) that when user selects "related any" option, system searches across various content sources for relevant data relating to search query. User does not select any specific content source for relevant data.

As to "creating in a device a local list on receipt of the command, the local list itemizing the contents supplied by the device in which the local list is created and involved in the filtering criterion specified by the command" Smith discloses (col.7, line 61-col.8, line 1; col.8, lines 57-59) that based on the user search query, each content source builds and provides the list of related data.

As to "transferring via the network the local list from the device to the controlling device upon receipt by the device of a transfer request" Smith discloses (col.7, line 67-col.8, line 1) that based on user search query request, content source transmits available program related data on the display device of user terminal as represented in Fig. 4.

As to "assembling in the controlling device local lists received from the network to form the list of contents" Smith discloses (col.2, lines 61-63) that

based on user search query, system displays results of data found from multiple content sources to user device.

As to "sending a notification to the controlling device upon creation of the local list by the device" Smith discloses (col.3, lines 37-43) that the user device receives the content information from a plurality of content sources based on the user generated search query.

Smith meets all the limitations of the claim except "creation of the local list by the device." However, Grooters discloses (col.8, lines 8-18) that based on prior user defined preferences, system automatically searches for content related to movie. Grooters further discloses (col.6, lines 43-45; col.7, lines 63-65) that in a local network, list of channels are created for a specific device and transmitted to receiver as represented in Figs. 2 and 3. Therefore, it would have been obvious for one of ordinary skills in the art at the time of invention to create program list in a device before sending it to user device as taught by Grooters so a user could gain access to information regarding the various sources of media available on the user's home network (col.1, lines 42-44).

Combination of Smith and Grooters meets all the limitations of the claim except "a single command is sent to all the devices in the network." However, Kalogeraki discloses (¶0015 and ¶0049) that user's one click (single command) for search query is sent to all the devices, using peer-to-peer search network as represented in Fig. 4. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Smith and Grooters

systems by using a single command to send a request to multiple devices as

taught by Kalogeraki in order to decrease the response time to a search request

(¶0004).

Combination of Smith, Grooters, and Kalogeraki meets all the limitations

of the claim except "each recipient device not responding if the respective device

has no content corresponding to the criterion." However, Wugofski discloses

(col.6, lines 3-31) that information system searches for a device with tuning

source in the home network and when it determines that the device in question is

not a tuning source (nonresponsive), it continues to look for next device which is

a tuning source as represented in Fig. 4 (element 416). Therefore, it would have

been obvious to one of the ordinary skills in the art at the time of the invention to

modify Smith, Grooters and Kalogeraki's systems by using a device that's

nonresponsive when there is no requested content present as taught by

Wugofski in order to provide up-to-date information of programming with timing

so viewer does not need to spend time viewing the source that does not provide

any requested content (col.1, lines 19-21).

Regarding **claim 3**, "method wherein the controlling device sends transfer

requests to each connected device following a specific action on the part of the

user" Smith discloses (col.7, line 57-col.8, line 1) that based on the user's search

query action from user device, all the contents sources receives the search query

request and each one provides the list of related data to user device.

Regarding **claim 4**, "method wherein each transfer request is sent from the controlling device on receipt of a corresponding notification" Smith discloses (col.7, line 57-col.8, line 1) that based on the user's search query action, user device receives the list of program related data from all the contents sources.

Regarding **claim 5**, "method further comprising creating the list of contents in the controlling device by assembling the local lists dynamically as the local lists are received" Smith discloses (col.2, lines 61-63) that based on user search query, system creates and displays results of data found from multiple content sources to user device.

Regarding **claim 7**, "device connected to a domestic network, and designed to supply contents" reads on a method and a system that presents content selection options from a plurality of content sources in home network environment (abstract) disclosed by Smith and as represented in Fig. 2.

As to "the device comprises programmed means for creating a local list on receipt of a command from a controlling device specifying a filtering criterion" Smith discloses (col.2, lines 48-50, 57-61) that the user searches for data from various contents sources through user device.

As to "the local list itemizing the contents supplied in the device and involved in the filtering criterion specified by the command but not the specifying

a recipient device" Smith discloses (col.7, line 61-col.8, line 1; col.8, lines 57-59)

that based on the user search query, each content source builds and provides

the list of program related data. Smith further discloses (col.9, lines 1-8) that

when user selects "related any" option, system searches across various content

sources for relevant data relating to search query. User does not select any

specific content source for relevant data.

As to "sending a notification of creation of the local list" Smith discloses

(col.3, lines 37-43) that the user device receives the content information from a

plurality of content sources based on the user generated search query.

As to "transferring via the network the local list to another device

connected to the network upon receipt of a transfer request" Smith discloses

(col.7, line 67-col.8, line 1) that based on user search query, content source

provides available program related data on the display device of user terminal as

represented in Fig. 4. Smith further discloses (col.2, lines 61-63) that based on

user search query, system displays results of data found from multiple content

sources to user device.

Smith meets all the limitations of the claim except "creation of the local

list." However, Grooters discloses (col.8, lines 8-18) that based on prior user

defined preferences, system automatically searches for content related to movie.

Grooters further discloses (col.6, lines 43-45; col.7, lines 63-65) that in a local

network, list of channels are created for a specific device and transmitted to

receiver as represented in Figs. 2 and 3. Therefore, it would have been obvious

for one of ordinary skills in the art at the time of invention to create program list in

a device before sending it to user device as taught by Grooters so a user could

gain access to information regarding the various sources of media available on

the user's home network (col.1, lines 42-44).

Combination of Smith and Grooters meets all the limitations of the claim

except "a single command is sent to all the devices in the network." However,

Kalogeraki discloses (¶0015 and ¶0049) that user's one click (single command)

for search query is sent to all the devices, using peer-to-peer search network as

represented in Fig. 4. Therefore, it would have been obvious to one of the

ordinary skills in the art at the time of the invention to modify Smith and Grooters

systems by using a single command to send a request to multiple devices as

taught by Kalogeraki in order to decrease the response time to a search request

(¶0004).

Combination of Smith, Grooters, and Kalogeraki meets all the limitations

of the claim except "the recipient device not responding if the respective device

has no content corresponding to the criterion." However, Wugofski discloses

(col.6, lines 3-31) that information system searches for a device with tuning

source in the home network and when it determines that the device in question is

not a tuning source (nonresponsive), it continues to look for next device which is

a tuning source as represented in Fig. 4 (element 416). Therefore, it would have

been obvious to one of the ordinary skills in the art at the time of the invention to

modify Smith, Grooters and Kalogeraki's systems by using a device that's

nonresponsive when there is no requested content present as taught by

Wugofski in order to provide up-to-date information of programming with timing

so viewer does not need to spend time viewing the source that does not provide

any requested content (col.1, lines 19-21).

Regarding **claim 8**, "device connected to a domestic network, and

designed to display a list of contents" reads on a method and a system that

presents content selection options from a plurality of content sources in home

network environment (abstract) disclosed by Smith and as represented in Fig. 2.

As to "the device comprises programmed means for sending over the

network a command specifying a filtering criterion but not specifying a recipient

device" Smith discloses (col.2, lines 48-50, 57-61) that the user searches for data

from various contents sources through user device. Smith further discloses

(col.9, lines 1-8) that when user selects "related any" option, system searches

across various content sources for relevant data relating to search query. User

does not select any specific content source for relevant data.

As to "receiving a notification that a local list is created in a responding

device" Smith discloses (col.3, lines 37-43) that the user device receives the

content information from a plurality of content sources based on the user

generated search query.

As to "transmitting a transfer request to the responding device" Smith

discloses (col.7, line 57-col.8, line 1) that based on the user's search query action

from user device, all the contents sources receives the search query request and

each one provides the list of related data to user device.

As to "for transferring via the network the local list from the responding

device connected to the network, the local list created in response to the

command" Smith discloses (col.7, line 67-col.8, line 1) that based on user search

query, content source provides available program related data on the display

device of user terminal as represented in Fig. 4. Smith further discloses (col.7,

line 61-col.8, line 1; col.8, lines 57-59) that based on the user search query, each

content source builds and provides the list of program related data. Smith further

discloses (col.2, lines 61-63) that based on user search query, system displays

results of data found from multiple content sources to user device.

Smith meets all the limitations of the claim except "creation of the local

list." However, Grooters discloses (col.8, lines 8-18) that based on prior user

defined preferences, system automatically searches for content related to movie.

Grooters further discloses (col.6, lines 43-45; col.7, lines 63-65) that in a local

network, list of channels are created for a specific device and transmitted to

receiver as represented in Figs. 2 and 3. Therefore, it would have been obvious

for one of ordinary skills in the art at the time of invention to create program list in

a device before sending it to user device as taught by Grooters so a user could

gain access to information regarding the various sources of media available on

the user's home network (col.1, lines 42-44).

Combination of Smith and Grooters meets all the limitations of the claim except "a single command is sent to all the devices in the network." However, Kalogeraki discloses (¶0015 and ¶0049) that user's one click (single command) for search query is sent to all the devices, using peer-to-peer search network as represented in Fig. 4. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Smith and Grooters systems by using a single command to send a request to multiple devices as taught by Kalogeraki in order to decrease the response time to a search request (¶0004).

Combination of Smith, Grooters, and Kalogeraki meets all the limitations of the claim except "the recipient device not responding if the respective device has no content corresponding to the criterion." However, Wugofski discloses (col.6, lines 3-31) that information system searches for a device with tuning source in the home network and when it determines that the device in question is not a tuning source (nonresponsive), it continues to look for next device which is a tuning source as represented in Fig. 4 (element 416). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Smith, Grooters and Kalogeraki's systems by using a device that's nonresponsive when there is no requested content present as taught by Wugofski in order to provide up-to-date information of programming with timing so viewer does not need to spend time viewing the source that does not provide any requested content (col.1, lines 19-21).

Regarding **claim 9**, "device connected to a domestic network, designed to supply contents and display a list of contents" reads on a method and a system that presents content selection options from a plurality of content sources in home network environment (abstract) disclosed by Smith and as represented in Fig. 2.

As to "the device comprises programmed means for creating the local list on receipt of a command specifying a filtering criterion but not specifying a recipient device" Smith discloses (col.2, lines 48-50, 57-61) that the user searches for data from various contents sources through user device. Smith further discloses (col.9, lines 1-8) that when user selects "related any" option, system searches across various content sources for relevant data relating to search query. User does not select any specific content source for relevant data.

As to "the local list itemizing the contents supplied in the device and involved in the filtering criterion specified by the command" Smith discloses (col.7, line 61-col.8, line 1; col.8, lines 57-59) that based on the user search query, each content source builds and provides the list of program related data.

As to "transmitting a notification that the local list is created" Smith discloses (col.3, lines 37-43) that the user device receives the content information transmitted from a plurality of content sources based on the user generated search query.

As to "receiving a transfer request from a requesting device" Smith discloses (col.7, line 57-col.8, line 1) that based on the user's search query action from user device, all the contents sources receives the search query request from the user device and each one provides the list of related data to user device.

As to "transferring via the network the local list to the requesting device connected to the network" Smith discloses (col.7, line 67-col.8, line 1) that based on user search query, content source provides available program related data on the display device of user terminal as represented in Fig. 4.

As to "programmed means for sending over the network a command specifying a filtering criterion but not specifying a recipient device, and transferring via the network another local list from another device connected to the network" Smith discloses (col.7, line 61-col.8, line 1; col.8, lines 57-59) that based on the user search query, each content source builds and provides the list of program related data. Smith further discloses (col.2, lines 61-63) that based on user search query, system displays results of data found from multiple content sources to user device. Smith further discloses (col.9, lines 1-8) that when user selects "related any" option, system searches across various content sources for relevant data relating to search query. User does not select any specific content source for relevant data.

Smith meets all the limitations of the claim except "creation of the local list." However, Grooters discloses (col.8, lines 8-18) that based on prior user

defined preferences, system automatically searches for content related to movie. Grooters further discloses (col.6, lines 43-45; col.7, lines 63-65) that in a local network, list of channels are created for a specific device and transmitted to receiver as represented in Figs. 2 and 3. Therefore, it would have been obvious for one of ordinary skills in the art at the time of invention to create program list in a device before sending it to user device as taught by Grooters so a user could gain access to information regarding the various sources of media available on the user's home network (col.1, lines 42-44).

Combination of Smith and Grooters meets all the limitations of the claim except "a single command is sent to all the devices in the network." However, Kalogeraki discloses (¶0015 and ¶0049) that user's one click (single command) for search query is sent to all the devices, using peer-to-peer search network as represented in Fig. 4. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Smith and Grooters systems by using a single command to send a request to multiple devices as taught by Kalogeraki in order to decrease the response time to a search request (¶0004).

Combination of Smith, Grooters, and Kalogeraki meets all the limitations of the claim except "the recipient device not responding if the respective device has no content corresponding to the criterion." However, Wugofski discloses (col.6, lines 3-31) that information system searches for a device with tuning source in the home network and when it determines that the device in question is

not a tuning source (nonresponsive), it continues to look for next device which is

a tuning source as represented in Fig. 4 (element 416). Therefore, it would have

been obvious to one of the ordinary skills in the art at the time of the invention to

modify Smith, Grooters and Kalogeraki's systems by using a device that's

nonresponsive when there is no requested content present as taught by

Wugofski in order to provide up-to-date information of programming with timing

so viewer does not need to spend time viewing the source that does not provide

any requested content (col.1, lines 19-21).

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to PINKAL CHOKSHI whose telephone number is (571)

270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt.

Friday off).

 If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

 Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pinkal Chokshi/
Examiner, Art Unit 2425

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425